

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARK MCCORMICK, MATTHEW LOVE,  
ROBERT SNYDER, ALISON HEINTZ,  
WILLIAM RICE, and MARIA STRATAKIS,  
individually and on behalf of all other similarly  
situated individuals,

Plaintiffs,  
v.

INTERNATIONAL BUSINESS  
MACHINES CORP.

Defendant.

**1:21-cv-09443-LTS-SLC**

**ECF Case**

**NOTICE OF INTERNATIONAL BUSINESS MACHINES CORPORATION'S  
MOTION FOR JUDGMENT ON THE PLEADINGS  
AS TO ARBITRATION OPT-INS AND TO COMPEL ARBITRATION**

Under Federal Rule of Civil Procedure 12(c), Defendant International Business Machines Corporation ("IBM") moves this Court to dismiss the ADEA claims of or compel to arbitration the following 30 Opt-Ins who signed separation agreements with an individual arbitration clause and a class and collective action waiver and are thus barred from participating in this action: Christopher Baker, William Bello, Michael G. Branson, Joseph William Campion, David Matthew Carr, Sanjiev Chattopadhyia, Steven P. Durante, Peter Gichinga, Charles Gregory, Kyle Hardy, Brian Edward Hurd, Gopalakrishnan Iyer, Joel Munson Johnson, Anatoly Kidder, Sethuraman Kuruvimalai, Kay Louise Lundquist, Thomas J. Major, Jorge Manosalva, Gregory Terry Moore, Mary Ann Moore, Herbert Pembleton, Sharon M. Saunders, Teresa Schoch, Kristen Stewart, Stefania Timpano, Shaun W. Turner, Brett D. Wells, Dulith Wijewardene, Nancy Ying, and Kathy A. Young.

IBM, through its undersigned counsel, certifies that it has used its best efforts to resolve informally this matter prior to filing this motion, as required by Judge Swain's Individual Practice A.2.b. Plaintiffs have not amended the First Amended Class and Collective Action Complaint in response to the arguments raised in this motion.

Dated: August 19, 2022  
New York, New York

JONES DAY

*/s/ Kristina A. Yost*  
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